

Freedom Court Reporting, Inc**1**

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF TEXAS
3 MARSHALL DIVISION

3 PATTY BEALL, MATTHEW)
4 MAXWELL, DAVID GRAVLEY,)
5 TALINA MCELHANY, KELLY)
6 HAMPTON, KEVIN TULLOS,)
7 CASEY BROWN, JASON BONNER,)
8 ANTHONY DODD, ILENE)
9 MEYERS, TOM O'HAVER, JOY)
10 BIBLES, DON LOCCHI AND)
11 MELISSA PASTOR,)
12 Individually and on behalf)
13 of all others similarly)
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1 A P P E A R A N C E S

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3 FOR THE PLAINTIFFS PATTY BEALL, MATTHEW MAXWELL, DAVID
4 GRAVLEY, TALINA MCELHANY, KELLY HAMPTON, KEVIN TULLOS,
5 CASEY BROWN, JASON BONNER, ANTHONY DODD, ILENE MEYERS,
6 TOM O'HAYER, JOY BIBLES, DON LOCCHI AND MELISSA PASTOR,
7 Individually and on behalf of all others similarly
8 situated:

9

10 MS. CHANDRA L. HOLMES RAY
11 Zelbst, Holmes & Butler
12 P.O. Box 365
13 Lawton, Oklahoma 73502-0365
14 (580) 248-4844

15

16 FOR THE DEFENDANTS TYLER TECHNOLOGIES, INC. AND EDP
17 ENTERPRISES, INC.:

18 MR. PAULO B. MCKEEBY
19 Morgan, Lewis & Bockius, L.L.P.
20 1717 Main Street
21 Suite 3200
22 Dallas, Texas 75201-7347
23 (214) 466-4146

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1 A. Right. It was an on-line form.

2 Q. A program?

3 A. A form that would take and break down, you
4 know, hours.

5 Q. So you would put in the number of hours that
6 you worked?

7 A. Correct.

8 Q. And you would indicate the type of work that
9 you were doing through this description; for example,
10 professional services?

11 A. Correct.

12 Q. And I take it you wouldn't put anything for the
13 rate or the billable amount?

14 A. Correct.

15 Q. But you would enter in the client name and
16 description category there on the left?

17 A. It was chosen by a drop-down box. So you chose
18 which project you were working on and then whether the
19 hours fit into this group, that group, or this group.
20 You know, whether it was travel, professional services,
21 etc.

22 Q. Okay.

23 A. There really wasn't a description field.

24 Q. Other than just the drop-down?

25 A. Correct.

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1 Q. And I believe that these are records through --

2 MR. MCKEEBY: Let me go ahead and mark it
3 as Deposition Exhibit Number 6, since you have got it
4 there.

5 (Exhibit 6 marked.)

6 Q. I will hand you what we have marked as
7 Deposition Exhibit 6, the time sheets that we have been
8 discussing that were produced by Tyler in this case.

9 A. Okay.

10 Q. And did you receive any training on how to
11 input the information that is in these time sheets?

12 A. I was shown or demonstrated by -- it was
13 demonstrated to me by Nate Moses when I was shadowing
14 him. And occasionally I would have to call Scott Helle
15 and/or Shauna and ask them.

16 Q. Ask them what?

17 A. Ask them how they wanted things billed.
18 Because sometimes I was -- sometimes there would be
19 questions. If I was on one site and doing professional
20 services and I had to flag a phone call from another
21 site and stop and do an emergency fix or repair I would
22 have to ask them how they wanted me to enter that or
23 whether, you know, to enter it.

24 Q. So they would answer your questions about how
25 to --

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1 A. How to code it.

2 Q. -- code particular time that you worked on
3 certain days?

4 A. Correct.

5 Q. But I take it that these reflect the hours that
6 you worked, assuming they are accurate?

7 A. Assuming they are accurate, yes, sir.

8 Q. And you completed them accurately when you were
9 filling out the form on the computer?

10 MS. HOLMES RAY: Object to the form.

11 A. I -- to the best of my knowledge. I mean, like
12 I said, I never actually got to see it summarized like
13 this. I would just go in and enter a date and -- my day
14 and expenses.

15 Q. But when you did enter your day, you would
16 enter all your time that you worked?

17 A. Correct.

18 Q. And what you are saying is you have never seen
19 it in the summary form that I have provided it to you?

20 A. Correct.

21 Q. Did you see it in any form? I guess you saw it
22 in the form that you were entering it?

23 A. I saw it in the form I was entering it, yes.

24 Q. Okay. I got it.

25 A. Yes, sir. And this, I believe, encompasses

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EXHIBIT 30

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1 talks about verifying the customer's data after it was
2 converted and setting up various software modules. What
3 does that mean?

4 A. During the staging and configuration phase we
5 would bring customers' existing data over and do a
6 conversion process on that. And we have to go in and
7 verify that all of the data was brought over. And that
8 involves, you know, checking the number of documents on
9 a particular date and time, you know, all the way
10 through current time or to the cutover basically.

11 Q. Well, does that part of the conversion involve
12 a dialogue with the customer about what is being
13 converted? Are you in communication with the customer
14 at that point?

15 A. Yes, sir.

16 Q. And what types of things would you talk to the
17 customer about as part of the conversion?

18 A. A lot of times the conversion was -- we needed
19 to know -- sometimes there are fields in their existing
20 system that didn't necessarily correspond to ours, and
21 we would have to ask them how they wanted to handle
22 those discrepancies.

23 Q. Would there be like a dialogue about that?

24 A. Correct. And that -- that was supposed to be
25 handled in the site survey, but oftentimes was not.

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1 so it would --

2 Q. Because they didn't ask the right questions
3 perhaps --

4 MS. HOLMES RAY: Object to the form.

5 Q. (BY MR. MCKEEBY) -- for whatever reason?

6 A. Yeah. I can't speculate to what questions they
7 asked or didn't. But the point is sometimes when I got
8 there to do it, it wasn't done. So -- and that was not
9 the case all the time.

10 Q. I understand. And if that wasn't done it means
11 what?

12 A. It just means additional work for myself or the
13 implementer.

14 Q. To do what?

15 A. To determine -- you know, to call the client to
16 coordinate with Mr. Helle, you know, how best to
17 approach it. Because they, I believe, would be billing
18 the client for this conversion. So any decision as to
19 how many hours we are going to spend working on doing
20 something had to be approved beforehand. So I talked to
21 the customer and say, okay, we have to match field "X"
22 on your system to memo field on our system.

23 Q. And you would tell the customer how long it
24 would take?

25 A. How do you want to handle it. And then the

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EXHIBIT 30

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1 project manager would contact the customer and get it
2 done.

3 Q. Would you tell the customer how long it was
4 likely to take?

5 A. No, I didn't do that directly.

6 Q. Would you communicate that to someone else?

7 A. To Mr. Helle or to Shauna.

8 Q. So then they would give the approval on
9 whatever measure to take and you would make a
10 recommendation to the customer based on that?

11 MS. HOLMES RAY: Object to the form.

12 A. No, I didn't actually recommend anything that
13 had anything to do with the project and pricing and etc.
14 to the customer. I mean, I was just the guy in the
15 trenches. All sales were handled through either the
16 sales guy, the project manager or --

17 Q. But when you are down in the trenches you are
18 talking to the customer about some particular issue that
19 requires some type of additional work by Tyler that is
20 going to cost the customer money?

21 A. Correct.

22 Q. And are there schedules -- so you are at the
23 customer site and you know you have got to do the
24 conversion, you may have to do hardware installation,
25 and you know you have got to do training. Is there a

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EXHIBIT 30

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1 computer, monitors, keyboards, you know, running network
2 cables to plug into the networks, installing scanners,
3 printer.

4 Q. Did you have to do that at every installation?

5 A. To varying degrees, yes.

6 Q. Depending on what, the amount of hardware they
7 had in place already?

8 A. Correct. We had a team that ideally would come
9 in and set all the hardware up before we got there. But
10 a lot of times it wasn't done properly, so -- or at all.

11 Q. And that was a team of Tyler employees?

12 A. Correct.

13 Q. What was their job?

14 A. To come in and set up the hardware.

15 Q. And what was their title, though?

16 A. I believe they are network support guys. I
17 don't remember exactly what their title was.

18 Q. But at times you had to perform at least some
19 of their functions?

20 A. Correct.

21 Q. Is it the case that the software that you would
22 be installing as an implementation specialist through
23 this process would be replacing existing software that
24 the customer had in place?

25 A. In fact, every -- I think every site I was at,

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1 that was the case, yes, sir.

2 Q. So when you are talking about the site
3 assessment component of the implementation specialist
4 work, part of that involves making an assessment of the
5 customer's current software?

6 A. That is correct, and work flows.

7 Q. Work flows, what does that mean?

8 A. The steps involved in processing a document
9 whether -- you know, when they stamp it, when they scan
10 it, when they -- whether or not they print it and
11 whether or not they use books to put documents back in,
12 etc.

13 Q. And how would you go about knowing the work
14 flow, I assume communications with the county clerk?

15 A. Communications with the county clerk and
16 observing. I actually never took place (sic) -- I
17 actually never did a site survey, though.

18 Q. Okay. You never did a site assessment?

19 A. No. That is actually one of -- I mean, that
20 made my job that much more difficult because someone
21 else was coming in and doing the site assessments. And
22 that is really a flaw in their system. That is why we
23 had to work so hard on the back end is because their
24 site assessments were done by someone else.

25 Q. Who would do the site assessments?

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1 A. I really don't know who did some of them. I
2 think Mr. Nate Moses did one or two of them and then
3 other people -- various other people came and did some
4 of the other. And they were done months, sometime a
5 year in advance of the implementation.

6 Q. But you never did a site assessment yourself?

7 MS. HOLMES RAY: Object to the form.

8 A. No, I never did a site assessment.

9 Q. (BY MR. MCKEEBY) Okay. For example at Ector
10 County, who did the site assessment for that project?

11 A. I believe Nate did that one.

12 Q. And what would he communicate -- I mean, how
13 did you learn of the results of his site assessment?

14 A. There was usually a document that was available
15 on the Internet that we would look at prior to staging,
16 and it was designed to summarize all of the various
17 aspects of staging and configuration.

18 Q. But the site assessment, you would agree, to
19 make sure I understand, is to assess the customer's
20 existing software and their work flow?

21 A. Correct.

22 Q. And so in the Ector County example, Nate Moses
23 had created some type of document on the Internet that
24 you reviewed prior to the staging portion of the
25 implementation process?

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1 Scott or Shauna. Occasionally there would be some
2 communication with the customer if we needed a form that
3 we didn't have a clear copy of or something. But for
4 the most part, no.

5 Q. So when you come on to the customer's site for
6 the first time during an installation -- and I don't
7 know if Ector County is typical or not, but if it is not
8 we can use a better example but I will use Ector County
9 since we have been talking about it -- the site
10 assessment had been done by Nate Moses?

11 A. Correct.

12 Q. And then you had done the configuration before
13 you set foot on the premises?

14 A. Correct.

15 Q. And had the installation had been done prior to
16 you coming on board of that is what you had to do?

17 A. Well, for Ector I actually had to do -- they
18 sent one technician out and myself. And he and Kevin
19 had to do all the installation as well.

20 Q. Was that unusual?

21 A. That one was a little bit unusual.

22 Q. In terms of how the installation was done,
23 though, was that unusual?

24 A. No. No.

25 Q. What are you doing when you are doing the

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1 installation? What role were you serving or playing?

2 A. Opening boxes, installing computers, carrying
3 things back and forth.

4 Q. This is hardware installation you are talking
5 about?

6 A. Right. And in addition I had to do the
7 software install as well.

8 Q. Okay. What does the software install involve?

9 A. The software is -- it involves -- once the
10 server is set up, which actually for Ector County the
11 server was already plugged in and there. But we have to
12 go in and download what we had set up staging from the
13 Tyler servers onto the customer's server and then make
14 sure everything works and get it deployed out to all the
15 individual workstations.

16 Q. Is that a function you performed on your own?

17 A. Correct, unless I needed tech support, which
18 occasionally we did.

19 Q. Why would you need tech support? What would
20 come out that would require that kind of support?

21 A. Sometimes it didn't -- you work on a computer
22 sometimes, right, and they don't do exactly what you
23 want them to. I mean, things would come up that I
24 didn't know how to resolve so I would have to call.

25 Q. Okay. Paragraph 3 here in your declaration

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16 sales guy, the project manager or --

17 Q. But when you are down in the trenches you are
18 talking to the customer about some particular issue that
19 requires some type of additional work by Tyler that is
20 going to cost the customer money?

21 A. Correct.

22 Q. And are there schedules -- so you are at the
23 customer site and you know you have got to do the
24 conversion, you may have to do hardware installation,
25 and you know you have got to do training. Is there a

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EXHIBIT 30

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1 schedule that the project manager or someone else writes
2 that dictates when particular tasks are to be performed?

3 A. Yes.

4 Q. Who does that scheduling, did you?

5 A. No. That was the project manager, Shauna.

6 Q. So would Shauna give that schedule to you at
7 the beginning of your work so that you knew when certain
8 tasks were supposed to be performed?

9 A. Correct. And within reason, because sometimes
10 we would get off schedule for various things. But it
11 was kind of a constantly evolving document that she
12 maintained, you know, the project in a project
13 management application.

14 Q. And you would have to schedule your training
15 consistent with that schedule?

16 A. That is correct.

17 Q. And would the schedule contain a time to go
18 live?

19 A. Yes.

20 Q. And just so we are clear, go live means when
21 the customer is actually using Tyler software on a -- to
22 perform its information system functions?

23 A. Correct.

24 Q. And you would be at the customer's facility
25 when it would go live?

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1 A. I really don't know who did some of them. I
2 think Mr. Nate Moses did one or two of them and then
3 other people -- various other people came and did some
4 of the other. And they were done months, sometime a
5 year in advance of the implementation.

6 Q. But you never did a site assessment yourself?

7 MS. HOLMES RAY: Object to the form.

8 A. No, I never did a site assessment.

9 Q. (BY MR. MCKEEBY) Okay. For example at Ector
10 County, who did the site assessment for that project?

11 A. I believe Nate did that one.

12 Q. And what would he communicate -- I mean, how
13 did you learn of the results of his site assessment?

14 A. There was usually a document that was available
15 on the Internet that we would look at prior to staging,
16 and it was designed to summarize all of the various
17 aspects of staging and configuration.

18 Q. But the site assessment, you would agree, to
19 make sure I understand, is to assess the customer's
20 existing software and their work flow?

21 A. Correct.

22 Q. And so in the Ector County example, Nate Moses
23 had created some type of document on the Internet that
24 you reviewed prior to the staging portion of the
25 implementation process?

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1 MS. HOLMES RAY: Object to the form.

2 A. That is correct.

3 Q. (BY MR. MCKEEBY) And what was your purpose in
4 reviewing this document prior to the staging process?

5 A. To determine what variables and things to
6 configure on the staging of the application. In
7 addition to just work flow, we got examples of forms and
8 we had to create forms that were preexisting as well
9 (sic).

10 Q. And this comes from the site assessment work?

11 A. From the site assessment, yes. They would get
12 example forms and things that we would have to replicate
13 in our system.

14 Q. So what does -- and I apologize. I think we
15 have covered this to some degree. But the term staging,
16 what does that mean?

17 A. It means getting the software configured such
18 that you are able to just go and, you know, do a trial
19 run basically and make sure that it works and then you
20 transfer it to the site for training purposes. And
21 then ideally it is configured with all of their
22 information the way that they want it so that when you
23 are doing training it conforms to how their -- it is
24 going to work for them.

25 Q. Right. But the configuration was what you

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1 would do?

2 A. That is correct.

3 Q. And you would do that based on your knowledge
4 of Tyler's software and the information that you were
5 reviewing from the site assessment?

6 A. Correct.

7 MS. HOLMES RAY: Object to the form.

8 A. That, and this implementer checklist.

9 Q. (BY MR. MCKEEBY) How would the implementer
10 checklist come into play in that process?

11 A. Well, if you -- it is basically an outline of
12 instructions and things that have to be done, you know,
13 for each implementation showing -- you know, for example
14 set preferred label ID, it doesn't have one, set
15 preferred HTML presentation. Because, again, it is
16 complicated and long, drawn out software. But that is
17 what this checklist is for as well as the site survey.

18 Q. But the site survey would have been specific to
19 the project?

20 A. Correct.

21 Q. During the configuration process, would you be
22 in communication with the customer or are you doing that
23 on your own or something in the middle?

24 A. No. It was usually not in communication with
25 the customer. It was generally with either Nate or

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1 Scott or Shauna. Occasionally there would be some
2 communication with the customer if we needed a form that
3 we didn't have a clear copy of or something. But for
4 the most part, no.

5 Q. So when you come on to the customer's site for
6 the first time during an installation -- and I don't
7 know if Ector County is typical or not, but if it is not
8 we can use a better example but I will use Ector County
9 since we have been talking about it -- the site
10 assessment had been done by Nate Moses?

11 A. Correct.

12 Q. And then you had done the configuration before
13 you set foot on the premises?

14 A. Correct.

15 Q. And had the installation had been done prior to
16 you coming on board of that is what you had to do?

17 A. Well, for Ector I actually had to do -- they
18 sent one technician out and myself. And he and Kevin
19 had to do all the installation as well.

20 Q. Was that unusual?

21 A. That one was a little bit unusual.

22 Q. In terms of how the installation was done,
23 though, was that unusual?

24 A. No. No.

25 Q. What are you doing when you are doing the

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1 A. Correct.

2 Q. And, again going to the first page of this
3 document where -- Tuesday, Wednesday and Thursday it
4 says spent eight hours of training and four hours of
5 configuration, is that an example of the fact that you
6 were doing training and then as the training occurred
7 you did additional configuration based on what you
8 discovered during that training?

9 A. No. If I was doing eight hours of training,
10 then there wasn't any room for that. That would be in
11 addition. You know, that is at the end of the day.
12 That is time spent in the hotel after leaving the site
13 and basically going in and adjusting all the things that
14 were brought up during that day's training.

15 Q. Okay. That is not what I meant. But the
16 configuration on those dates when you were doing --
17 after the training would be based on the results of the
18 training in the sense that you learned some matter that
19 needed additional attention or additional configuration?

20 A. Correct.

21 Q. Can you think of an example of that?

22 A. Oh, there is thousands of issues that -- I
23 mean, maybe not thousands, but there is a lot of issues
24 that would come up. But simple things like, you know,
25 we need -- on this particular document, receipt, for the

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Freedom Court Reporting, Inc**37**

1 wording to be changed or, you know, that particular --
2 each county had a specific workflow that they were
3 accustomed to. And when we installed their new software
4 they, to a certain degree, had to change that workflow.
5 And a lot of times there were issues that they were
6 adamant about changing. You know, we want -- on this
7 receipt we want the total to be here instead of here.
8 So I would have to go in and adjust that or make
9 adjustments to, you know, how a document is scanned like
10 the birth certificates. Oh, we need this moved down an
11 inch instead. So by the end of a training day I would
12 have a sheet this long with things written down, because
13 I couldn't address them during training and I would have
14 to go and modify a lot of stuff at the end of the day,
15 often.

16 Q. And that modification is part of the
17 configuration process?

18 A. Correct.

19 Q. And when you are doing this training, would you
20 describe it as classroom style training?

21 A. Yes.

22 Q. Were there multiple people typically in these
23 training sessions?

24 A. Yes, sir.

25 Q. How many, typically?

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1 A. Typically three to five. Occasionally there
2 would be 10 or 12 just depending on the location.

3 Q. And the size of the county?

4 A. And the size of the county.

5 Q. And would the people at the customer (sic) who
6 were being trained -- you were the one doing the
7 training, correct?

8 A. Correct.

9 Q. And how would you do the training? Would you
10 do it based on a Power Point presentation where you are
11 giving a speech or did they all have laptops where you
12 were kind of walking them through different assets of
13 the software?

14 A. Well, we provided handouts and we normally had
15 a training facility up with workstations for them to
16 work on. And I more or less would walk around and I
17 would demonstrate one time and let them see and then
18 they would log in to their training workstation and
19 duplicate it. So it was very hands-on training.

20 Q. Was there a training schedule that --

21 A. Yes.

22 Q. -- you were required to adhere to?

23 A. Yes, sir. Well, there was a training schedule
24 provided for me to use as a guide, you know. It varied
25 from site to site depending on if it was a small group

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1 or a large group. So I would take the number of
2 people ahead of time and then break the schedule down
3 so I could show them the various functions in the
4 software and accommodate everyone during a week.

5 Q. Were you doing the training -- the same
6 training session for multiple people then?

7 A. Yes.

8 Q. Just based on their own schedules?

9 A. Correct.

10 Q. And did you use the guide to determine how long
11 to spend on particular aspects of the software or is
12 that something that you decided based on whatever
13 criteria?

14 A. It was something that was kind of handed down
15 to me in what I learned from Nate about how much time
16 you spend on various things. But, again, that -- it
17 depended on the end user. You know, if the end user
18 gets it the first time, you don't need to have -- and
19 there is two of them in the class, we didn't necessarily
20 spend a whole hour working on it. There was a little
21 bit of variance there.

22 Q. Was there anything --- what were the handouts
23 that you would provide?

24 A. They were documents provided by Tyler that were
25 instruction sheets on -- it essentially covered what we

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1 were covering in the classroom.

2 Q. Okay. Did you determine the agenda for the
3 training in the sense of what particular topics to cover
4 with the employees?

5 A. No. That was pretty predetermined, you know.
6 It was provided, like I said, in the examples and then I
7 went by the example of the guy that trained me.

8 Q. When you say examples, what do you mean?

9 A. Shauna would send out a training template and
10 say here is what we did in such and such county, you
11 know, go by this. And I would go by that training
12 schedule.

13 Q. And when you say -- this is a document, the
14 training template?

15 A. Correct. Well, it is just a training -- a
16 schedule where we covered various topics, you know, an
17 outline of which topics to cover at which time frames.

18 Q. How long a document was this, a couple of
19 pages.

20 A. Maybe a couple of pages of them in here, if you
21 need to see them.

22 Q. "In here", being in the documents that you
23 provided?

24 A. Yes, sir.

25 Q. Can you locate those?

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EXHIBIT 30

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1 A. I sure can. It is really just -- it is a
2 schedule and a sign-up sheet. There is maybe a blank
3 one or two in here.

4 Q. I would like one that is completed, if you can
5 locate one.

6 A. Sometimes they would just end up in the trash
7 or in the floor afterwards. Here is a complete, I guess
8 what you would call, a training schedule and sign-up
9 sheet. It doesn't have signatures on it. But basically
10 it shows Monday, Tuesday, Wednesday, Thursday and Friday
11 broken down. And Shauna sent me that one and I, you
12 know, just modified it with the county details.

13 Q. What does that mean, you would modify it with
14 the county details?

15 A. Well, I would put the county name on it and
16 change the dates and times for the days that we had
17 allocated for training.

18 MR. MCKEEBY: I will go ahead and mark this
19 as Deposition Exhibit 4 just so we have it in the
20 record.

21 (Exhibit 4 marked.)

22 Q. (BY MR. MCKEEBY) And that is a completed
23 document?

24 A. Yeah. Well, it doesn't have signatures. We
25 would give this to the clerk and have her pass it around

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21 A. Correct.

22 Q. And are there schedules -- so you are at the
23 customer site and you know you have got to do the
24 conversion, you may have to do hardware installation,
25 and you know you have got to do training. Is there a

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1 schedule that the project manager or someone else writes
2 that dictates when particular tasks are to be performed?

3 A. Yes.

4 Q. Who does that scheduling, did you?

5 A. No. That was the project manager, Shauna.

6 Q. So would Shauna give that schedule to you at
7 the beginning of your work so that you knew when certain
8 tasks were supposed to be performed?

9 A. Correct. And within reason, because sometimes
10 we would get off schedule for various things. But it
11 was kind of a constantly evolving document that she
12 maintained, you know, the project in a project
13 management application.

14 Q. And you would have to schedule your training
15 consistent with that schedule?

16 A. That is correct.

17 Q. And would the schedule contain a time to go
18 live?

19 A. Yes.

20 Q. And just so we are clear, go live means when
21 the customer is actually using Tyler software on a -- to
22 perform its information system functions?

23 A. Correct.

24 Q. And you would be at the customer's facility
25 when it would go live?

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1 project manager would contact the customer and get it
2 done.

3 Q. Would you tell the customer how long it was
4 likely to take?

5 A. No, I didn't do that directly.

6 Q. Would you communicate that to someone else?

7 A. To Mr. Helle or to Shauna.

8 Q. So then they would give the approval on
9 whatever measure to take and you would make a
10 recommendation to the customer based on that?

11 MS. HOLMES RAY: Object to the form.

12 A. No, I didn't actually recommend anything that
13 had anything to do with the project and pricing and etc.
14 to the customer. I mean, I was just the guy in the
15 trenches. All sales were handled through either the
16 sales guy, the project manager or --

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18 talking to the customer about some particular issue that
19 requires some type of additional work by Tyler that is
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25 when it would go live?

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EXHIBIT 30

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1 A. Correct.

2 Q. And was there any ever any dialogue between
3 you and Shauna about -- you are there in the trenches on
4 the job about whether or not the go live date can be
5 met?

6 A. Not really. As far as I know, that was
7 something that was pretty well contractually bound. I
8 mean, it was -- my job was to make sure that it got done
9 before the go live date.

10 Q. And "it", being all the training and all the
11 configuration that we discussed?

12 A. Correct. Yeah. I don't think we ever missed a
13 go live date at the fault of Tyler.

14 Q. Right. And I think in your declaration you say
15 in Paragraph 4, again referring to Ector County, that
16 you had to work two 20-hour days in a row. Was that
17 during the go live process?

18 A. I believe -- yes, that was before the go live,
19 correct.

20 Q. And what was it that caused you to have to work
21 so many hours during those two days?

22 A. We had to arrive on site on a Sunday and
23 install all the computers, the printers and set up the
24 software, get it ready for go live as well. And there
25 was one computer tech that they sent and he was kind of

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1 green, so I had to --

2 Q. That was a Tyler employee?

3 A. That was a Tyler employee, yeah.

4 Q. So it was just you and this green computer tech
5 that were doing all the work?

6 A. And Kevin, the guy that was shadowing me. And
7 it just ended up taking that long to get it done. And
8 that is the point. I mean, we have got a county clerk
9 and 20 some-odd employees that were waiting on Monday
10 morning to go live with their software. So we had to
11 stay all -- you know, I think we ended up leaving at
12 like 5 in the morning and were back at 8:00 to --

13 Q. On that Monday?

14 A. On that Monday to get it --

15 Q. When they went live?

16 A. Yes, sir.

17 Q. Because that was the date that they were
18 scheduled to go live?

19 A. Correct.

20 Q. Did you ever make any complaints to anyone at
21 Tyler about how your were compensated?

22 A. No, not complaints. It was -- there was some
23 discussions, but not -- I would say no complaints.

24 Q. What discussions are you referring to?

25 A. I discussed with Mr. Helle on a few occasions

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1 done?

2 A. Yes.

3 Q. This was after they had gone live?

4 A. Yes.

5 Q. And how long had they gone live essentially
6 when you were dispatched to go down there?

7 A. I honestly don't know. Based on their roll-out
8 schedule in Texas, I would say it had to have been less
9 than a year.

10 Q. Was this a situation where they were having
11 issues with the software that they needed someone to go
12 down there to assist them with, to put it generally?

13 A. Correct.

14 Q. This wasn't -- was this unique? Had you ever
15 done one of these before when you were at Tyler where
16 you had, rather than doing an implementation, you were
17 actually going to do some follow-up spot check work?

18 MS. HOLMES RAY: Objection, form. You can
19 answer.

20 Q. (BY MR. MCKEEBY) You can answer.

21 A. Yes. Sometimes outside of my regular duties
22 they would have situations where they would have to pull
23 me off and go fix a bunch of broken stuff.

24 Q. Okay. And so --

25 A. And whether -- you know, in this particular

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1 example it was not one of my implementations, it was
2 someone else's. So I came in and cleaned up as much of
3 the mess as I could.

4 Q. But this wasn't necessarily unique; you did
5 this type of clean-up fix work at other locations as
6 well?

7 MS. HOLMES RAY: Object to form.

8 A. I don't know what that means, but --

9 MS. HOLMES RAY: I am just objecting to the
10 form of the question. You can answer after I make the
11 objection.

12 A. Okay. I did, yes.

13 Q. (BY MR. MCKEEBY) Okay.

14 A. That was part of our jobs, as I understood it.

15 Q. Was this an indication -- when you used the
16 term clean-up, is this an indication that the
17 implementation wasn't done properly at the outset?

18 A. Yes. I mean, I don't want to -- this is very
19 complicated implementation, a very complicated software.
20 So it is expected that there are going to be some issues
21 that come up. So ultimately, yes, there were things
22 that weren't done correctly. But, you know, how
23 incorrectly is kind of subjective, up to you.

24 Q. Well, looking at this example in Van Zandt
25 County, was the client upset about these issues?

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EXHIBIT 30

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1 A. Yes.

2 Q. Was there one person with whom you were dealing
3 at Van Zandt County?

4 A. The county clerk, and I unfortunately don't
5 remember her name.

6 Q. But that would be typical, in terms of the
7 person with whom you would interface during an
8 implementation would be the county clerk?

9 A. Correct.

10 Q. And the software that you were supporting in
11 this instance of Van Zandt County was called
12 EagleRecorder?

13 A. Correct.

14 Q. And that was the software that you supported
15 throughout your employment with Tyler?

16 A. Correct.

17 Q. How many days were you in Van Zandt County
18 dealing with these issues?

19 A. I don't recall. I know I was there more than
20 once. I really -- I don't recall. I traveled all over
21 the state all the time so --

22 Q. I take it you spent the night near the county
23 clerk in Van Zandt County?

24 A. I believe so. I may have been in the
25 Metroplex.

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1 not doing this, for example we need the ability to crop
2 birth and death certificates, you know. I then would
3 have to get into the software and figure out how to give
4 them the ability to crop birth and death certificates.

5 Q. What does that mean, to crop a birth or death
6 certificate?

7 A. The software scans documents. And they need
8 the ability to, I guess, crop things out and then they
9 re-print those documents onto a certified form and --

10 Q. So cropping in that instance means being able
11 to general a document that is in a more -- in a smaller
12 form than --

13 A. Correct.

14 Q. -- it was input?

15 A. Correct. In order to make it fit on a county
16 letterhead, sometimes it needed to be reduced or --

17 Q. I see. When they were printing it, they were
18 printing it in a format larger than they wanted?

19 A. Yes.

20 Q. So you had to go in there and determine how
21 they could print, in a sense, a smaller cropped
22 document?

23 A. Correct.

24 Q. And is that something that you were able to do
25 or did you have to call a programmer for assistance on

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25

1 that?

2 A. Sometimes I could do it. Sometimes I couldn't.

3 And this software was not -- it didn't come with a
4 manual, per se. So there were times where I could get
5 in and find adjustments and ways to do things and other
6 times I would have to call and get help either from
7 Nate, the one that trained me, or from the programmers.
8 And there are multiple several levels of support for the
9 implementers in Tyler.

10 Q. And in connection with this particular task
11 that -- it looks like that was a task that was checked
12 off, the ability to crop the birth and death
13 certificates. Was that something that you were able to
14 do or did you have to get assistance for that?

15 A. I believe for that I just showed them how to do
16 it. That was a feature of the software that they just
17 weren't trained on.

18 Q. I see.

19 A. And some of these issues, that was the case.
20 It was really a matter of the end user just needed
21 training.

22 Q. Okay.

23 A. I mean, this is -- that is a one-time example
24 of what -- I mean, this is pretty much a typical day
25 when I would show up at a site. So, I apologize, I am

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1 not trying to make light of your document and your list
2 here, but this is just -- I mean, during training pretty
3 much every day I had a list like this that I had to go
4 through where people would make questions the day
5 before, etc. So it is hard for me to remember specifics
6 in specific counties.

7 Q. But you would agree that that is kind of -- I
8 am just asking you about it because I happen to have the
9 document. And that is, like you said, at least somewhat
10 typical of --

11 A. Right.

12 Q. -- your day?

13 A. Right. Correct.

14 Q. Although this was a little bit different in the
15 sense that it wasn't part of an implementation, it was
16 just sort of follow-up work?

17 A. Correct.

18 Q. But not unique, as you said?

19 A. Correct.

20 Q. All right. Let me hand you a series of
21 documents that I have attached. Can you take a look at
22 those?

23 A. Okay.

24 Q. And I guess, first of all, would you agree with
25 me that these are a group of documents that you produced

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1 A. Right. It was an on-line form.

2 Q. A program?

3 A. A form that would take and break down, you
4 know, hours.

5 Q. So you would put in the number of hours that
6 you worked?

7 A. Correct.

8 Q. And you would indicate the type of work that
9 you were doing through this description; for example,
10 professional services?

11 A. Correct.

12 Q. And I take it you wouldn't put anything for the
13 rate or the billable amount?

14 A. Correct.

15 Q. But you would enter in the client name and
16 description category there on the left?

17 A. It was chosen by a drop-down box. So you chose
18 which project you were working on and then whether the
19 hours fit into this group, that group, or this group.
20 You know, whether it was travel, professional services,
21 etc.

22 Q. Okay.

23 A. There really wasn't a description field.

24 Q. Other than just the drop-down?

25 A. Correct.

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1 Q. And I believe that these are records through --

2 MR. MCKEEBY: Let me go ahead and mark it
3 as Deposition Exhibit Number 6, since you have got it
4 there.

5 (Exhibit 6 marked.)

6 Q. I will hand you what we have marked as
7 Deposition Exhibit 6, the time sheets that we have been
8 discussing that were produced by Tyler in this case.

9 A. Okay.

10 Q. And did you receive any training on how to
11 input the information that is in these time sheets?

12 A. I was shown or demonstrated by -- it was
13 demonstrated to me by Nate Moses when I was shadowing
14 him. And occasionally I would have to call Scott Helle
15 and/or Shauna and ask them.

16 Q. Ask them what?

17 A. Ask them how they wanted things billed.
18 Because sometimes I was -- sometimes there would be
19 questions. If I was on one site and doing professional
20 services and I had to flag a phone call from another
21 site and stop and do an emergency fix or repair I would
22 have to ask them how they wanted me to enter that or
23 whether, you know, to enter it.

24 Q. So they would answer your questions about how
25 to --

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1 A. How to code it.

2 Q. -- code particular time that you worked on
3 certain days?

4 A. Correct.

5 Q. But I take it that these reflect the hours that
6 you worked, assuming they are accurate?

7 A. Assuming they are accurate, yes, sir.

8 Q. And you completed them accurately when you were
9 filling out the form on the computer?

10 MS. HOLMES RAY: Object to the form.

11 A. I -- to the best of my knowledge. I mean, like
12 I said, I never actually got to see it summarized like
13 this. I would just go in and enter a date and -- my day
14 and expenses.

15 Q. But when you did enter your day, you would
16 enter all your time that you worked?

17 A. Correct.

18 Q. And what you are saying is you have never seen
19 it in the summary form that I have provided it to you?

20 A. Correct.

21 Q. Did you see it in any form? I guess you saw it
22 in the form that you were entering it?

23 A. I saw it in the form I was entering it, yes.

24 Q. Okay. I got it.

25 A. Yes, sir. And this, I believe, encompasses

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1 talks about verifying the customer's data after it was
2 converted and setting up various software modules. What
3 does that mean?

4 A. During the staging and configuration phase we
5 would bring customers' existing data over and do a
6 conversion process on that. And we have to go in and
7 verify that all of the data was brought over. And that
8 involves, you know, checking the number of documents on
9 a particular date and time, you know, all the way
10 through current time or to the cutover basically.

11 Q. Well, does that part of the conversion involve
12 a dialogue with the customer about what is being
13 converted? Are you in communication with the customer
14 at that point?

15 A. Yes, sir.

16 Q. And what types of things would you talk to the
17 customer about as part of the conversion?

18 A. A lot of times the conversion was -- we needed
19 to know -- sometimes there are fields in their existing
20 system that didn't necessarily correspond to ours, and
21 we would have to ask them how they wanted to handle
22 those discrepancies.

23 Q. Would there be like a dialogue about that?

24 A. Correct. And that -- that was supposed to be
25 handled in the site survey, but oftentimes was not.

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1 so it would --

2 Q. Because they didn't ask the right questions
3 perhaps --

4 MS. HOLMES RAY: Object to the form.

5 Q. (BY MR. MCKEEBY) -- for whatever reason?

6 A. Yeah. I can't speculate to what questions they
7 asked or didn't. But the point is sometimes when I got
8 there to do it, it wasn't done. So -- and that was not
9 the case all the time.

10 Q. I understand. And if that wasn't done it means
11 what?

12 A. It just means additional work for myself or the
13 implementer.

14 Q. To do what?

15 A. To determine -- you know, to call the client to
16 coordinate with Mr. Helle, you know, how best to
17 approach it. Because they, I believe, would be billing
18 the client for this conversion. So any decision as to
19 how many hours we are going to spend working on doing
20 something had to be approved beforehand. So I talked to
21 the customer and say, okay, we have to match field "X"
22 on your system to memo field on our system.

23 Q. And you would tell the customer how long it
24 would take?

25 A. How do you want to handle it. And then the

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1 project manager would contact the customer and get it
2 done.

3 Q. Would you tell the customer how long it was
4 likely to take?

5 A. No, I didn't do that directly.

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